



RESOLUTION NO. 2006-226

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING A
SIX-FOOT PUBLIC UTILITY EASEMENT AT
710 NORTH SACRAMENTO STREET

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WHEREAS, a six-foot public utility easement located at 710 North Sacramento Street was dedicated on July 3, 2006, Document #2006-143832, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, in order to remove the parcel encumbrance caused by the unused existing six-foot public utility easement, the property owners, The Lague Family, a Limited Liability Company, John T. Lague have requested the abandonment of the six-foot easement dedicated on July 3, 2006, Document #2006-143832, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, a new six-foot public utility easement has been dedicated to accommodate electrical services installed along the perimeter of his property lines and the dedication recorded on September 19, 2006, Document #2006-199333; and

WHEREAS, under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if it has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the City of Lodi Electric Utility Department has approved the public utility easement abandonment without further comment or conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The existing easement covered by the vacation has not been used for the purpose for which it was dedicated and the need for the easement to be vacated has been superseded by relocation and there are no other public facilities located within the portion of the easement to be vacated, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That the six-foot public utility easement located at 710 North Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners have dedicated a new public utility easement in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: December 20, 2006

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I hereby certify that Resolution No. 2006-226 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 20, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce,
and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk



